ATTACHMENT 37

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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

v.

Case No. 5:14-cv-05344-BLF (PSG)

ARISTA NETWORKS, INC., Defendant.

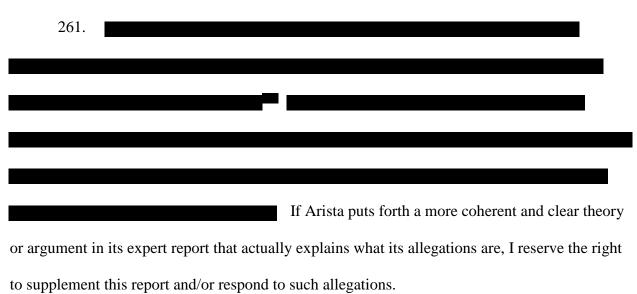
OPENING EXPERT REPORT OF KEVIN ALMEROTH REGARDING COPYING

SUBMITTED ON BEHALF OF CISCO SYSTEMS, INC.

CONTAINS HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY INFORMATION
AND SOURCE CODE

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evidence to suggest that Cisco copied them. In fact, Cisco has provided voluminous information detailing the provenance of the multi-word command expressions at issue in this case.²¹¹



X. <u>CONCLUSION</u>

- 262. For presentation of my testimony at trial I may create and use demonstratives, videos, and/or additional screenshots of the copyrighted works described in this report. In addition, I may demonstrate the use of one or more Arista and Cisco switches at trial in support of my testimony.
- 263. I reserve the right to supplement or amend my opinions in response to opinions expressed by Arista's experts, or in light of any additional evidence, testimony, discovery or other information that may be provided to me after the date of this report. In addition, I reserve the right to consider and testify about issues that may be raised by Arista's fact witnesses and

²¹¹ See Cisco's responses to Arista's Interrogatory Nos. 2, 16, 19.

²¹² Conversation with Kirk Lougheed (June 2, 2016); *see also* Lougheed Deposition Tr. 129:5-130:19, 166:24-169:16 ("I didn't like his lack of hierarchy"; "I started building a hierarchy") (Nov. 20, 2015); Lougheed Deposition Tr. 332:6-23, 339:18-340:9 (April 4, 2016).